

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

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|----------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 8:07CR365 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | MEMORANDUM |
| |) | AND ORDER |
| |) | |
| RAUL SANCHEZ-RIOS, |) | |
| |) | |
| Defendant. |) | |

This matter is before the Court on the Defendant's appeal (Filing No. 60) from the Magistrate Judge's order (Filing No. 59) denying the Defendant's motion to continue trial. The Defendant has filed a supporting brief (Filing No. 61).

The Defendant has retained two attorneys, Bassel F. El-Kasaby and Horacio J. Wheelock. (Filing Nos. 21, 52.) Trial is scheduled for June 17, 2008. (Filing No. 50.) Mr. Wheelock moved to continue the trial (Filing No. 54), and Mr. El-Kasaby moved to withdraw (Filing No. 56). Magistrate Judge F.A. Gossett granted Mr. Wheelock's entry of appearance, denied the motion to continue trial, and denied Mr. El-Kasaby's motion to withdraw. (Filing No. 59.) The Defendant appeals from this order.

Pursuant to 28 U.S.C. § 636(b)(1)(A) and NECrimR 57.2, the court has reviewed the order from which this appeal has been taken. In an appeal from a magistrate judge's order on a pretrial matter within 28 U.S.C. § 636(b)(1)(A), a district court may set aside any part of the magistrate judge's order shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); NECrimR 57.2(c).

The Court concludes that Judge Gossett's order is neither clearly erroneous nor contrary to law. Therefore, the Court adopts Judge Gossett's order insofar as trial will not be continued and Mr. El-Kasaby is not granted leave to withdraw. The Court will, however, grant the appeal only insofar as Mr. Wheelock is granted leave to withdraw from further representation of the Defendant.

IT IS ORDERED:

1. The Defendant's appeal from the Magistrate Judge's order (Filing No. 60) is granted only insofar as Mr. Wheelock is granted leave to withdraw from further representation of the Defendant; and
2. Otherwise, the Defendant's appeal is denied.

DATED this 2nd day of June, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge